

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 04-328
Table of Allotments,)	RM-11046
FM Broadcast Stations.)	RM-11235
(Americus and Oglethorpe, Georgia) ¹)	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: June 22, 2005**Released: June 24, 2005**

By the Assistant Chief, Audio Division, Media Bureau:

1. In response to a Petition for Rule Making filed by SSR Communications, Inc., ("Petitioner") the Audio Division considers herein a *Notice of Proposed Rule Making*² proposing the allotment of Channel 295A to Americus, Georgia, as that community's sixth local aural transmission service. Petitioner has filed comments expressing its continued interest in applying for Channel 295A if it is allotted to Americus, Georgia, and stating that if its application is granted, it will construct a station in that community. Southern Broadcasting Companies, Inc. ("Southern") filed a timely counterproposal to allot Channel 295A to Oglethorpe, Georgia. Subsequently, Southern submitted a voluntary request that its counterproposal be dismissed, along with an affidavit from its President that neither Southern nor any of its principals has received or will receive any consideration in exchange for the dismissal or withdrawal of its expression of interest in the allotment of Channel 295A at Oglethorpe.³ For the reasons stated below, we allot Channel 295A to Americus, Georgia.

2. Since Americus already has five local radio broadcast stations, its community status is established. We conclude that the public interest would be served by the allotment of Channel 295A to Americus, Georgia, since it will provide a third commercial FM station and a sixth local aural transmission service to that community. Channel 295A can be allotted to Americus, Georgia, consistent with the Commission's technical requirements at coordinates of 32-04-51 NL and 84-15-20 WL, with a site restriction of 2.4 kilometers (1.5 miles) northwest of Americus, Georgia.

¹ Oglethorpe has been added to the caption.

² *Americus, Georgia, et al.*, 19 FCC Rcd 16631 (MB 2004).

³ This submission complies with the requirements of 47 C.F.R. § 1.420(j).

3. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A).

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective August 8, 2005, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules IS AMENDED for the community listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Americus, Georgia	234C3, 254C3, 295A

5. A filing window for Channel 295A at Americus, Georgia, will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That the Petition for Rule Making (RM-11046) filed by SSR Communications, Inc. IS GRANTED.

7. IT IS FURTHER ORDERED, That the aforementioned Counterproposal (RM-11235) filed by Southern Broadcasting Companies, Inc. IS DISMISSED as requested.

8. IT IS FURTHER ORDERED, That MB Docket No. 02-238 IS TERMINATED.

9. For further information concerning this proceeding, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau